# Message Text

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FM AMEMBASSY SANTO DOMINGO TO SECSTATE WASHDC PRIORITY 5967

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E.O. 11652: N/A TAGS: SHUM, DR

SUBJECT: 1978 REPORT ON HUMAN RIGHTS PRACTICES IN THE DOMINICAN

REPUBLIC

I. SETTING

THE DOMINICAN REPUBLIC IS A CONSTITUTIONAL DEMOCRACY WITH AN ELECTED PRESIDENT, AN ELECTED BICAMERAL LEGISLATURE AND AN JUDICIAL BRANCH, LED BY A SUPREME COURT WHICH IS APPOINTED BY THE SENATE.

THE CURRENT PRESIDENT IS S. ANTONIO GUZMAN FERNANDEZ, INAUGURATED AUGUST 16, 1978, AFTER WINNING THE MAY 16 ELECTION ON THE TICKET OF THE PARTIDO REVOLUCIONARIO DOMINICANO (PRD). HE DEFEATED THE CANDIDATE OF THE REFORMISTA PARTY (PR), THEN-PRESIDENT JOAQUIN BALAGUER, WHO HAD UNSUCCESSFULLY SOUGHT A FOURTH FOUR-TERM OF OFFICE.

THE POLITICAL CAMPAIGN PRECEDING THE ELECTION PROCEEDED FREELY AND OPENLY ON THE BASIS OF AN AGREEMENT BETWEEN THE TWO PARTIES CONCLUDED IN MARCH 1978. THERE WAS LITTLE SERIOUS ELECTORAL VIOLENCE. EARLY ON MAY 17, HOWEVER, WHEN IT BECAME CLEAR THAT THE INCUMBENT PR WAS LOSING ON THE NATIONAL LEVEL, THE VOTE-COUNTING WAS INTERRUPTED BY ELEMENTS OF THE DOMINICAN ARMED FORCES. THERE ENSUED SEVERAL DAYS OF POLITICAL UNCERTAINTY AND TENSION THROUGHOUT THE COUNTRY, AS NATIONAL OPINION FORMED AND NATIONAL AND INTERNATIONAL PRESSURES WERE BROUGHT TO BEAR. LIMITED OFFICIAL USE

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IN VARIOUS PARTS OF THE COUNTRY ELECTORAL OFFICIALS WERE DETAINED BRIEFLY OR, IF IN HIDING, WERE SOUGHT BY POLICE AND MILITARY PERSONNEL. MEMBERS OF THE WINNING PRD WERE ARRESTED IN A NUMBER OF AREAS AND SOME OTHERWISE HARASSED BY SECURITY AUTHORITIES. EARLY ON MAY 17, SECRETARY VANCE INFORMED PRESIDENT BALAGUER THAT IF THE ELECTION WERE NOT PERMITTED TO PROCEED FREELY AND HONSTLY, THERE WOULD INEVITABLY BE AN ADVERSE

EFFECT ON THE CLOSE AND COOPERATIVE RELATONS BETWEEN OUR TWO COUNTRIES. ON MAY 18, PRESIDENT CARTER PUBLICLY EXPRESSED HIS SERIOUS CONCERN AND STATED THAT, "THE DEGREE OF OUR COUNTRY'S SUPPORT FOR THE DOMINICAN GOVERNMENT WILL DEPEND UPON THE INTEGRITY OF THE ELECTION PROCESS."

IN THE LATE EVENING OF MAY 18, PRESIDENT BALAGUER APPEARED ON TELEVISION TO ANNOUNCE HE WOULD ABIDE BY THE FINAL DECISION OF THE CENTRAL ELECTORAL BOARD, WHICH UNDER DOMINICAN LAW CERTIFIES ELECTION RESULTS. THE BOARD DECLARED GUZMAN THE WINNER ON JULY 7. AT THE SAME TIME THE BOARD, WITHOUT REFERENCE TO THE ELECTORAL LAW, AWARDED FOUR SEATS AND THUS MAJORITY CONTROL OF THE DOMINICAN SENATE TO THE OPPOSITION PR, DISTORTING WHAT WAS OTHERWISE CONSIDERED ON BALANCE A FAIR OUTCOME OF THE ELECTION.

ON TAKING OFFICE AND SUBSEQUENTLY, PRESIDENT GUZMAN AND OTHER SENIOR OFFICIALS IN HIS ADMINISTRATION IDENTIFIED AS AREAS OF PRIORITY CONCERN THE IMPROVEMENT OF DOMINICAN JUSTICE AND INCREASED PROTECTION OF HUMAN RIGHTS. LEGISLATION HAS ALREADY BEEN PASSED FOR AN AMNESTY THAT COULD BENEFIT A NUMBER OF "POLITICAL PRISONERS" AND AN UNKNOWN NUMBER OF POLITICAL EXILES. ACCOMPANYING THIS HAS BEEN A PROGRAM TO REFORM THE NATION'S PRISONS. TO FURTHER PROTECT THE RIGHTS OF THE PERSON UNDER THE 1966 CONSTITUION, PRD LEADERS IN CONGRESS HAVE PROPOSED LEGISLATION THAT WOULD STRENGTHEN THE RIGHT OF HEABEAS CORPUS AND FACILITATE A CITIZEN'S RECOURSE TO MORE RAPID JUSTICE IN CASES WHERE AN INDIVIDUAL LIMITED OFFICIAL USE

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BELIEVES HIS CIVIL RIGHTS HAVE BEEN INFRINGED.

THE NEW GOVERNMENT IS ALSO TAKING STEPS TO REMOVE THE MILITARY FROM POLITICS AND TO INSTITUTIONALIZE AND PROFESSIONALIZE THE ARMED FORCES AND POLICE, WHICH HISTORICALLY HAVE PLAYED A DESICISIVE ROLE IN THE POLITICAL SYSTEM OF THE COUNTRY. IT HAS ORGANIZED MIXED COMMISSIONS MILITARY AND POLICE TO VISIT EVERY MILITARY BASE ON THE COUNTRY TO EXPLAIN AND STRESS THE MAIN ROLE OF THE ARMED FORCES WHICH AS A GOVERNMENTAL INSTITUTION MUST PROTECT THE NATION'S SOVEREIGNTY, OBEDIENT TO THE CIVILIAN LEADERSHIP OF THE CENTRAL GOVERNMENT.

THE DEVELOPMENTAL PROGRAMS OF THE DOMINICAN GOVERNMENT CENTER PRIMARILY ON THE AGRICULTURAL SECTORS, ALTHOUGH ATTENTION IS ALSO BEING DIRECTED TO PROBLEMS OF THE URBAN POOR. THE SPECIFIC FOCI OF THESE PROGRAMS, ACCORDING TO THE GOVERNMENT, ARE TO BE IN PUBLIC HEALTH, EDUCATION AND HOUSING.

GOVERNMENTAL INEFFICIENCY, INEQUITY AND RAMPANT CORRUPTION IN GOVERNMENT WERE CENTRAL CAMPAIGN ISSUES WHICH HELPED MR. GUZMAN TO WIN THE PRESIDENCY. HE HAS SINCE PROMISED TO END THE HIGHLY-CENTRALIZED SYSTEM OF PUBLIC ADMINISTRATION HE INHERITED AND TO DEVISE MEANS OF DISTRIBUTING THE NATIONAL INCOME MORE EQUITABLY. AS A CHECK

ON CORRUPTION, ALL SENIOR OFFICIALS ARE BEING ASKED TO DECLARE THEIR NET WORTH AS A CONDITION OF TAKING OFFICE. WHILE THEY ARE LOW, THE COUNTRY DOES HAVE MINIMUM WAGE STANDARDS. TRADE UNION ORGANIZING ACTIVITY AND FREEDOM TO OPERATE, TRADITIONALLY-INHIBITED OWING TO A LABOR CODE DATING FROM THE DAYS OF THE TRUJILLO DICTATORSHIP, HAVE GRADUALLY EXPANDED IN RECENT YEARS AND ARE EXPECTED TO GROW EVEN MORE RAPIDLY UNDER THE NEW GOVERNMENT. WOMEN HOLD POSITIONS UP TO THE SUB-CABINET LEVEL IN THE PRESENT ADMINISTRATION AND ARE FOUND THROUGHOUT THE GOVERNMENT. SEVERAL WERE ELECTED TO CONGRESS IN 1978. DISCRIMINATION IS NOT OFFICIALLY AUTHORIZED OR CONDONED.

THE GUZMAN GOVERNMENT'S HOPE TO MODERNIZE AND REFORM THE JUDICIARY, ONE OF ITS MAJOR GOALS IN THE CAMPAIGN AND SINCE LIMITED OFFICIAL USE

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THE ELECTION, WILL TURN CRITICALLY ON THE SUPPORT IT RECEIVES FROM OPPOSITION LEGISLATORS. THE 1966 CONSTITUTION CONFERS ON THE SENATE, NOW CONTROLLED BY THE OPPOSITION, THE POWER TO APPOINT ALL JUDGES, INCLUDING THOSE OF THE SUPREME COURT.

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II. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. TORTURE. TORTURE IS NOT OFFICIALLY CONDONED NOR IS IT SYSTEMATICALLY EMPLOYED AGAINST PRISONERS.

B. CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT. CONDITIONS IN THE COUNTRY'S PRISONS, PRINCIPALLY LA VICTORIA PENITENTIARY, A FEW MILES NORTH OF THE CAPITAL, ARE POOR, AND

MISTREATMENT OF PRISONERS HAS OCCURRED. ACCESS BY THE PRISONERS THEMSELVES AND BY THEIR FAMILIES TO A FREE PRESS ACTIVELY INTERESTED IN HUMANE TREATMENT IN THE JAILS HAS SERVED AS A CHECK AGAINST EXCESSIVELY CRUEL, INHUMAN OR DEGRADING TREATMENT. THE NEW GOVERNMENT'S EXPRESSED INTEREST IN PRISON REFORM AND THE EXPECTED RELEASE OF SOME "POLITICAL PRISONERS" HAS GIVEN HEAVY PUBLICITY TO ALLEGED ABUSE OF INMANTES IN THE COUNTRY'S PENAL SYSTEM. REGARDLESS OF HOW RAPIDLY PRISON REFORM PROGRESSES UNDER THE NEW REGIME, IT IS EXPECTED THAT THE TREATMENT OF PRISONERS OVERALL WILL IMPROVE.

C. ARBITRARY ARREST OR IMPRISONMENT. ALTHOUGH REDUCED FROM THE SCALE OF THE LATE '60'S AND EARLY 'UPS, SUCH ARRESTS DID OCCURE IN THE LAST MONTHS OF THE PREVIOUS GOVERNMENT. USUALLY, THESE CASES INVOLVED THE DETENTION OF INDIVIDUALS SUSPECTED OF CRIMES OR "SUBVERSIVE ACTIVITIES" AGAINST THE SECURITY OF THE STATE. FREQUENTLY, THE PERIOD OF DETENTION WAS SHORT BUT OFTEN NO CHARGES WERE FILED. WITH THE APPROVAL OF THE AMNESTY LAW WHICH WOULD CONCURRENTLY ANNUL THE 1963 LAWS AGAINST "COMMUNIST" AND "SUBVERSIVE" ACTIVITY, SUCH ARBRITRARY ARRESTS LIMITED OFFICIAL USE

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ARE EXPECTED TO DECLINE SUBSTANTIALLY. IF FUTURE DEVELOPMENTS IMPACT ADVERSELY ON PEACE AND ORDER IN THE COUNTRY, AS WITH RECENT INDICATIONS OF A RISING CRIME RATE, THE POLICE COULD REVERT TO HARSHER TACTICS. AS PART OF THE GUZMAN ADMINISTRATIONS'S EFFORT TO "PROFESSIONALIZE AND INSTITUTIONALIZE" THE ARMED FORCES, ONE OF THE THEMES MOST HEAVILY STRESSED IS THE NEED FOR THE ARMED FORCES TO EXERCISE RESTRAINT IN THEIR TREATMENT OF THE CIVILIAN POPULACE. THE ANNOUNCED APOLITICAL REORIENTATION OF THE MILITARY, IF IT SUCCEEDS, COULD ALSO HAVE POSITIVE BENEFITS IN THIS AREA.

D. DENIAL OF FAIR PUBLIC TRIALS. EXCEPT FOR PERSONS SUSPECTED OF OR CHARGED WITH POLITICALLY-MOTIVATED CRINES, WHERE CASES HAVE DRAGGED ON FOR YEARS, LAWS RESPECTING FAIR TRIALS CONTINUE TO BE GENERALLY RESPECTED. IF THERE IS EFFECTIVE JUDICIAL REFORM, THOSE ACCUSED OF POLITICALLY-INSPIRED CRIMES SHOULD RECEIVE SPEEDIER JUSTICE.

E. INVASION OF THE HOME. EXISTING LEGAL SAFEGUARDS AGAINST INVASION OF THE HOME CONTINUE TO BE GENERALLY OBSERVED, BUT OCCASIONAL BREACHES OF THESE SAFEGUARDS CONTINUE, ESPECIALLY WHERE AN INDIVIDUAL INVOLVED IS BELIEVED TO BE ARMED OR DANGEROUS.

III. GOVERNMENT POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION.

IN THE SIX-TO-EIGHT MONTH PERIOD PRIOR TO THE MAY ELECTIONS, THE GOVERNMENT'S ATTENTION TO DEVELOPMENT PROGRAMS DESIGNED TO AID THE POOR DROPPED OFF NOTICEABLY. THE DIVERSION OF RESOURCES FROM PROGRAMS TO HELP THE

POOR CANNOT BE QUANTIFIED BUT WERE CONSIDERED TO BE SUBSTANTIAL.

THE NEW ADMINISTRATION HAS YET TO DEVELOP

AN OPERATIONAL DEFINITION OF THE POOR. THE LACK OF TIMELY

AND SUFFICIENTLY-DETAILED INCOME DATA, WHILE CURRENTLY

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BEING ASSEMBLED, WILL UNDOUBTEDLY MAKE SUCH AN EFFORT DIFFICULT FOR SOME TIME TO COME.

HOWEVER, EVEN THE SPARSE DATA NOW ON HAND SUGGESTS THAT THE EXTRAORDINARILY RAPID GROWUTH OF THE ECONOMY BETWEEN 1968 AND 1974 WORSENED AN ALREADY BADLY-SKEWED DISTRIBUTION OF INCOME. ONE RECENT SURVEY, BASED UPON AN EXTREMELY SMALL SAMPLE, ESTIMATED THAT THE LOWEST 50 PERCENT OF INCOME RECIPIENTS EARNED 20 PERCENT OF DISPOSABLE INCOME, WHILE THE TOPE 10 PERCENT EARNED 36 PERCENT. THERE HAS BEEN A SLIGHT UPWARD TREND IN GODR

EXPENDITURES FOR AGRICULTURE, HEALTH, EDUCATION, AND PUBLIC HOUSING--AREAS WHERE THE IMPACT UPON THE POOR IS LIKELY TO BE RELATIVELY HIGH--BETWEEN 1973 AND 1976. NONETHELESS, THE GOVERNMENT'S COMMITMENT TO THE IMPROVEMENT OF BASIC HUMAN NEEDS HAD BEEN SOMEWHAT EQUIVOCAL.

THE NEW GOVERNMENT, IN ITS ELECTORAL CAMPAIGN, PLACED HEAVY EMPHASIS UPON MEETING THE BASIC HUMAN NEEDS OF ITS CITIZENRY. IT HAS ANNOUNCED ITS INTENTION TO INCREASE SUBSTANTIALLY BUDGET ALLOCATIONS FOR HEALTH AND EDUCATION WITH EMPHASIS ON THE RURAL POOR. INCREASING AGRICULTURAL PRODUCTIVITY--PARTICULARLY AMONG THE LARGE NUMBER OF SMALL LANDHOLDERS--IS ALSO A HIGH PRIORITY OF THE NEW ADMINISTRATION.

## IV. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION AND ASSEMBLY. ALL THESE LIBERTIES ARE IN LARGE MEASURE RESPECTED, AS WAS EVIDENT DURING THE RECENT POLITICAL CAMPAIGN. DOMINICAN NEWSPAPERS ARE RATED BY THE INTER-AMERICAN PRESS ASSOCIATION AS AMONG THE FREEST IN THE HEMISPHERE. WHILE OUTDOOR PUBLIC MEETINGS REQUIRE OFFICIAL GOVERNMENT PERMITS, INDOOR GATHERINGS OF POLITICAL PARTIES, LABOR UNIONS AND OTHER ASSOCIATIONS ARE UNENCUMBERED. LABOR UNIONS ARE ALLOWED TO ORGANIZE AND BARGAIN FOR EMPLOYEES, BUT AN OUTDATED LABOR CODE HAS GENERALLY FAVORED MANAGEMENT. THE NEW GOVERNMENT HAS PROMISED TO BE MORE EVEN-HANDED IN LABOR-MANAGEMENT RELATIONS AND AN UPDATING OF THE LABO CODE. LIMITED OFFICIAL USE

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B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN
TRAVEL AND EMIGRATION. THERE IS NO RESTRICTION ON FREEDOM
TO TRAVEL WITHIN THE COUNTRY AND, EXCEPT FOR A REQUIREMENT FOR
PRIOR APPROVAL TO TRAVEL TO COMMUNIST COUNTRIES, TRAVEL OUTSIDE
THE COUNTRY IS ALSO FREEDLY PERMITTED. POLITICAL EXILES
WHO WERE DEPORTED BY THE FORMER GOVERNMENT AND BARRED FROM
RETURNING, HAVE NOW BEEN GRADUALLY RETURNING TO THE COUNTRY AS
IMPEDIMENTS AGAINST THEIR ENTRY HAVE BEEN SELECTIVELY LIFTED.
OTHER EXILES ARE EXPECTED TO BENEFIT FROM THE AMNESTY LAW
WHICH CURRENTLY IS UNDER CONSIDERATION.

C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS.

LEGAL PROCEDURES GOVERNMED NATIONAL ELECTIONS IN 1966, 1970,

1974 AND THIS YEAR. EXCEPT FOR THE 1966 ELECTION WHICH WAS WON BY

BALAGUER, AND THE 1978 ELECTION, THE GOVERNMENT PARTY WAS NOT

CHALLENGED BY A SIGNIFICANT OPPOSITION. THE MAIN OPPOSITION

PARTY, THE PRD, CHARGED INTERVENTION AND HARASSMENT BY THE MILITARY

IN FAVOR OF THE REELECTION OF BALAGUER IN THE CAMPAIGNS OF 1970

AND 1974 AND WITHDREW FROM THE CONTESTS PRIOR TO ELECTION DAY.

IN THE 1978 ELECTION, THERE WERE SIMILAR CHARGES

BY THE PRD BUT ITS ELECTORAL VICTORY, WITH THE EXCEPTION OF

ITS LOSS OF CONTROL OVER THE SENATE, WAS RESPECTED. IN ALL,

A DOZEN PARTIES, INCLUDING THE COMMUNIST PARTY WHICH WAS LEGALIZED

IN 1977, PARTICIPATED IN THE 1978 ELECTION, AS DID SEVERAL

"SINGLE-ISSUE" POLITICAL MOVEMENTS.

V. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND LIMITED OFFICIAL USE

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NON-GOVERNMENT INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN

#### RIGHTS

THE 1977 AMNESTY INTERNATIONAL REPORT CRITICAL OF HUMAN RIGHTS PRACTICES IN THE DOMINICAN REPUBLIC PROMPTED AN EXCHANGE OF CORRESPONDENCE WITH THEN-PRESIDENT BALAGUER CONCERNING A POSSIBLE VISIT BY REPRESENTATIVES OF AMNESTY INTERNATIONAL TO THIS COUNTRY. HOWEVER, AFTER FIRST AGREEING IN APRIL 1977 TO AN AMNESTY VISIT, BALAGUER THEN SUGGESTED THAT THE VISIT BE CONDUCTED BY A THIRD-PARTY OBSERVER. SUCH A VISIT DID NOT TAKE PLACE, HOWEVER. AMNESTY'S INTEREST IN SEVERAL POLITICAL PRISONERS HELD IN THE DOMINICAN REPUBLIC. AND ITS CONCERN OVER GENERAL CONDITIONS IN THE NATION'S PENITENTIARIES, CONTINUE. SEVERAL LETTERS WERE RECEIVED BY THE DOMINCAN ATTORNEY GENERAL, OR WERE FORWARDED THROUGH THE EMBASSY, IN WHICH AMNESTY ADHERENTS ESPOUSED THE CAUSES OF SOME OF THSE PRISONERS. THE COALITION FOR NEW FOREIGN AND MILITARY POLICY REPORTED IN MARCH OF 1978 THAT, "THE DOMINICAN MILITARY CONTINUES TO OPERATE DETENTION CENTERS WITH HARSH TREATMENT METED OUT TO POLITICAL PRISONERS." THE COALITION'S REPORT ALSO NOTED THAT THE DOMINICAN MILITARY "INTERVENED IN THE LAST PRESIDENTIAL ELECTION (1974) AND ALREADY APPEARS TO BE INTERVENING IN THE ONE SCHEDULED FOR THIS YEAR." NEITHER THE FORMER ADMINISTRATION NOR THE NEW GOVERNMENT HAVE COMMENTED PUBLICLY ON THE ACTIVITIES OF THE COALITION OR ITS MARCH REPORT. YOST

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